

REMARKS

This amendment accompanies a request for continued examination submitted in compliance with § 1.114(d) after appeal, but prior to a decision on the appeal. Applicant requests this request for continued examination and amendment be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.

With this amendment, Claims 39-56 and 58-62 are pending in this application. Claim 57 was canceled as being a redundant claim.

Voluntary Amendment to the Claims

The claims were voluntarily amended to replace the vague term “adapted to” with a more concise term such as “operates to” as appropriate. No new subject matter has been added with this amendment.

Objection to Claims 42 and 56

In response to an Examiner’s Answer dated February 25, 2009, item 5, page 8, in which Claims 42 and 56 were categorized as reciting allowable subject matter, Claims 42 and 56 have been rewritten into independent form including the allowable subject matter indicated by the Examiner’s Answer. Therefore, Applicant respectfully submits that Claims 42 and 56 are in proper condition for allowance and request that Claims 42 and 56 may now be passed to allowance.

To summarize, in a Final Office Action dated July 15, 2008, Claims 42 and 56 were rejected as unpatentable under 35 U.S.C. 103(a) over Ogier et al in view of An et al U.S. Patent No. 6,813,272 in further view of Susnow et al (U.S. Patent Application Publication 2002/0159385).

Applicant respectfully submits that Ogier et al An et al U.S. Patent No. 6,813,272 in view of An et al U.S. Patent No. 6,813,272 in further view of Susnow does not anticipate Applicant’s invention as claimed in the further limitations of claims 42 and 56. Specifically, the credit system described by Susnow is a flow control mechanism to control the number of packets sent to an intermediate node by a source node [0048]. This number is dynamically updated as the intermediate node empties its buffers, allowing the source node to send more packets [0049]. This

provides the intermediate node temporary relief when the source node sends more packets than can be handled, a form of congestion control.

Applicant's invention of claims 42 and 56 are an economic credit [0037] for helping in the multi-hop network. When the maximum credits are accumulated, the node stops helping in the network (changes from relaying to non-relaying). The node continues to participate in the network, it just doesn't help as a relay point for other nodes. This is not done to prevent inundation of the node, simply to limit the economic credit that can be received. Applicant respectfully submits that it would not be obvious to one of ordinary skill to extend the concept of flow control to economic credits. Plus, intermediate nodes in Susnow cannot completely stop relaying without breaking the network, it's only a temporary condition. In Applicant's network, a node can stop relaying and still participate in the network. Other nodes will simply find an alternate route. An economic credit system has no relation to flow control. The reason for economic credits is the different goals for the network vs. the user. In a multi-hop network, relaying packets can be important to the network, but can be detrimental to a user, so the credits provide the economic incentive for a user to relay packets. The maximum value is present only to limit economic exposure by the network operator.

Therefore, since Claims 42 and 56 recite patentable subject matter, Applicants respectfully submit that Claims 42 and 56 are in proper condition for allowance and request that the rejection of Claims 42 and 56 under 35 U.S.C. 103(a) over Ogier et al in view of An et al U.S. Patent No. 6,813,272 in further view of Susnow et al (U.S. Patent Application Publication 2002/0159385) be withdrawn.

Rejection of Claims 39, 43-44, 46-47, 51-53, and 58-59 under 35 U.S.C. 103(a) as being unpatentable over Ogier et al., U.S. Patent No. 6,845,091 in view of An et al U.S. Patent No. 6,813,272:

The rejection of Claim 57 under 35 U.S.C. 103(a) as being unpatentable over Ogier et al., U.S. Patent No. 6,845,091 in view of An et al U.S. Patent No. 6,813,272 is moot in view of the cancellation of Claim 57.

Applicant respectfully requests reconsideration of the rejection of Claims 39, 43-44, 46-47, 51-53, and 58-59 under 35 U.S.C. 103(a) as being unpatentable over Ogier et al., U.S. Patent No. 6,845,091 in view of An et al U.S. Patent No. 6,813,272 as herein amended. Claims 39, 43-44, 46-47, 51-53, and 58-59 have been amended to be dependent upon now believed allowable Claims 42

and 56 and therefore are in proper condition for allowance. Applicant requests that Claims 39, 43-44, 46-47, 51-53, and 58-59 may now be passed to allowance.

Rejection of Claims 40-41, 45, and 54-55 under 35 U.S.C. 103(a) as being unpatentable over Ogier et al., U.S. Patent No. 6,845,091 in view of An et al U.S. Patent No. 6,813,272 and further in view of Orava (U.S. Patent Application Publication 2002/0071477):

Applicants submit that Claims 40-41, 45, and 54-55 are allowable over the cited references based on their dependencies upon claims 42 and 56 which claims were shown to be allowable above.

Therefore, since Claims 40-41, 45, and 54-55 recite patentable subject matter, Applicants respectfully submit that Claims 40-41, 45, and 54-55 are in proper condition for allowance and request that Claims 40-41, 45, and 54-55 may now be passed to allowance.

Rejection of Claims 48-50 and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Ogier et al in view An et al U.S. Patent No. 6,813,272 and further in view of Larson et al (U.S. Patent No. 6,810,428):

Applicants submit that Claims 48-50 and 60-62 are allowable over the cited references based on their dependencies upon claims 42 and 56 which claims were shown to be allowable above.

Therefore, since Claims 48-50 and 60-62 recite patentable subject matter, Applicants respectfully submit that Claims 48-50 and 60-62 are in proper condition for allowance and request that Claims 48-50 and 60-62 may now be passed to allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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